

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 1, 5, 6, and 10. Claims 4 and 9 have been canceled. Accordingly, claims 1-3, 5-8, and 10 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103(a)

On Page 2 of the Office Action, the Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. § 103(a) as being unpatentable over Kawakami et al. (US 7,180,857) in view of Dittia, et al. (US 6,674,721). The Applicants have amended the claims to better distinguish the claimed invention from Kawakami and Dittia. The Examiner's consideration of the amended claims is respectfully requested.

The Examiner acknowledged on page 2 that Kawakami does not show the step of purging the state for a path having the smallest bandwidth in the older part of the states, and successively updating the indicator of the bandwidth when the queue reaches a congestion condition. The Examiner contends these limitations are shown by Dittia. The Applicants respectfully disagree.

As recited in original claims 4 and 9, the bandwidth indicator stored in each state represents the number of times a corresponding path has been halted. Independent claims 1 and 6 have been amended to clarify this feature. There is no teaching or suggestion in either Kawakami or Dittia that when a state is to be purged, the state is purged that corresponds to the path that has been halted the fewest number of times.

Claims 2 and 3 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2 and 3 is respectfully requested.

Likewise, claims 7 and 8 depend from amended claim 6 and recite further limitations in combination with the novel elements of claim 6. Therefore, the allowance of claims 7 and 8 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103(a)

On Page 4 of the Office Action, the Examiner rejected claims 4 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Kawakami in view of Dittia as applied to claim 1 above, and further in view of Barker et al. (US 2006/0285551). Claims 4 and 9 have been canceled.

On Page 4 of the Office Action, the Examiner rejected claims 5 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Kawakami in view of Dittia as applied to claim 1 above, and further in view of Brightman et al. (US 2006/0292292). The Applicants have amended the claims to better distinguish the claimed invention from Kawakami and Dittia and Brightman. The Examiner's consideration of the amended claims is respectfully requested.

The clarifications made to independent claims 1 and 6, as well as the clarifications made to dependent claims 5 and 10, illustrate that Brightman's method of determining the bandwidth of the connection is not relevant to the claimed invention. The so-called "bandwidth indicator" in the claimed invention does not relate to a calculated bandwidth, but rather relates to the number of times a particular path has provided the most packets in the queue whenever a congestion condition occurred.

There is no teaching or suggestion in Kawakami, Dittia, or Brightman that when a state is to be purged, the state is purged that corresponds to the path that has been halted the fewest number of times. Therefore, the allowance of claims 5 and 10 is respectfully requested.

4.) Conclusion

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-3, 5-8, and 10.